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1901 L STREET N W  
WASHINGTON, DC 20036-3506

EXAMINER

NASH, LASHANYA RENEE

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/929,039

Applicant(s)

LEONTIEV ET AL.

Examiner

LaShanya R Nash

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

Claims 1-4 are pending.

### ***Claim Objections***

Claims 1-4 are objected to because of the following informalities: improper punctuation used in claims 1 and 4; and grammatical errors in claims 1-3. Examiner suggests replacing comma on line 3 of claim 1 with semicolon, and omitting comma on line 3 of claim 4. Examiner suggests replacing "Apparatus" on line 1 of claims 1-3 with "An apparatus".

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "The method" in line 1 of claim 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 1 and 4 recite the limitation " Internet/Ethernet". These claims can be interpreted in several contradictory ways, and subsequently are determined to be indefinite. For purposes of the following art rejections, the limitation of the aforementioned claims are interpreted as, "Internet or Ethernet".

### ***Priority***

Claim to provisional application 60/252899 has been made in this application.  
The effective filing date for the subject matter defined in the pending claims in the application is November 27, 2000.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1,3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Venkatraman et al. (US Patent 5,956,487), hereinafter referred to as Venkatraman.**

In reference to claim 1, Venkatraman shows an embedding web access mechanism that provides network accessible user interface functions, (column 3, lines 5-7 and Figure 1). Venkatraman shows the web access mechanism to comprise:

- A controlling and supervising means (computer system with user interface), (column 5, lines 51-60; Figure 2; column 7, lines 30-36; and Figure 4);
- Web server equipment connected to the controlling and supervising means to enable it to be connected to the Internet/Ethernet, (column 3, lines 13-26; column 4, lines 26-28; column 7, lines 24-29; and Figure 1);
- An Internet/Ethernet hub (communication path), (column 3, line 62 to column 4, line 4 and column 4, lines 25-27).

- Control and supervising devices (lab equipment devices) coupled to the hub, (column 3, lines 55-61).

In reference to claim 4, Venkatraman discloses a method for employing a device with an embedded web server, in order to enable access of the device control interface via a remote location (column 2, lines 27-30 and column 2, lines 37-41). Venkatraman explicitly discloses the embedded web access method to comprise:

- Feeding information from means for controlling and supervising the operation (i.e. computer system with user interface), to a web server, (column 5, line 65 to column 6, line 5); and
- Transmitting the information via the web server to the Internet/Ethernet, (column 3, lines 27-33);
- Receiving the information from the Internet/Ethernet, (column 3, lines 17-21);
- Using the received information to modify the operation, (column 3, lines 21-26 and column 3, lines 35-39).

In reference to claim 3, Venkatraman shows the embedding web access mechanism to further comprise a means for transmitting information from the control and supervising devices in the form of electronic text, which is inclusive of e-mail (Venkatraman column 3, lines 29-42).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman as applied to claims above, and further in view of sci.electronics.misc (retrieved from Google Newsgroup).**

In reference to claim 2, Venkatraman discloses a supervising means (computer system with user interface) coupled to an Internet/Ethernet hub (communication path), (column 5, lines 51-60; Figure 2; column 7, lines 30-36; and Figure 4;). However, the reference fails to disclose the apparatus permitting operation of 1/8 DIN and 1/16 DIN devices. Nonetheless, 1/8 DIN and 1/16 DIN devices were well known in the art at the time of the invention, as further evidenced by Admission.

Sci.electronics.misc discloses 1/8 DIN and 1/16 DIN controllers as conventional controller devices that are manufactured and distributed for controlling heaters (i.e. ovens and chambers). One of ordinary skill in the art would have been motivated to accordingly modify the embedded web access mechanism, so as to operate a variety of lab equipment and measurement instruments via remote access (Venkatraman column 1, lines 24-27 and column 2, lines 37-41).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (703) 305-8910. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Bradley Goldman, Art Unit 2153*  
*BN 8/23/04*